

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LIMOLINER, INC.,

Plaintiff,

Civil Action No.: 05-11888

-against-

SETRA OF NORTH AMERICA, INC.,

Defendant.

SETRA OF NORTH AMERICA, INC.,

Third-Party Plaintiff,

-against-

UPSTATE TOURS, INC., and UPSTATE
TRANSIT, INC.,

Third-Party Defendants.

MOTION TO DISMISS

Third-party defendant Upstate, Transit Inc. moves, pursuant to Federal Rule of Civil Procedure 12(b)(2), that the claims against it be dismissed on the grounds that the Court lacks jurisdiction over it. The reasons why this motion should be allowed are set forth in the

memorandum and the affidavit of Glenn J. Matthews both of which are filed herewith.

UPSTATE TRANSIT, INC.

By its attorney,

/s/ Leonard M. Singer
Leonard M. Singer
BBO 464600
101 Arch Street, 9th Floor
Boston, Massachusetts 02110
(617) 737-7670

CERTIFICATE OF SERVICE

I, Leonard M. Singer, hereby certify that on October 6, 2006, copies of the foregoing document were electronically served on the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants.

/s/ Leonard M. Singer
Leonard M. Singer
